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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,666	01/10/2005	Yuichi Komuro	01165.0933	9409

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Washington, DC 20005-3315

EXAMINER

CHOI, PETER Y

ART UNIT	PAPER NUMBER
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1771

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,666	Applicant(s) KOMURO ET AL.	
	Examiner Peter Y. Choi	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-4, in the reply filed on April 12, 2007, is acknowledged. Claim 5 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation of the wiper as "sheet-like" is unclear and indefinite as to in what manner the wiper is "like a sheet". The limitation "wherein an amount of micro-matter 100µm long or more falling-off therefrom is 20,000 pieces/m² or less" is unclear and indefinite as to according to what process or situation such micro-matter would be falling-off therefrom.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,591,513 to Suzuki.

Regarding claims 1-4, Suzuki teaches a sheet-like wiper of a nonwoven fabric formed by entangling fibers with each other by a high-pressure water jet stream, an amount of material dissolved therefrom into acetone is 340 mg/kg or less or 190 mg/kg or less (see entire document including column 1 lines 10-19, column 2 lines 24-47; column 3 lines 41-65, column 6 lines 25-57).

Regarding claims 1-4, Suzuki does not appear to specifically teach that the amount of micro-matter of 100 μ m or more falling-off therefrom is 20,000 pieces/m² or less or 14,000 pieces/m² or less and the water absorption is 8 ml/g or more or 9 ml/g or more. Although the prior art does not disclose the claimed properties, the claimed properties are deemed to be inherent to the structure in the prior art since the Suzuki reference teaches an invention with a similar structural and chemical composition as the claimed invention. Properties are the same when the structure and composition are the same. The burden is on the Applicants to prove otherwise.

Regarding claims 3 and 4, the nonwoven fabric contains cellulose filament fiber of 40% by weight or more, and the cellulose filament fiber is cupra ammonium rayon (column 3 lines 41-65).

Regarding claim 4, the content of the cellulose filament fiber is 85% by weight or more (column 3 lines 41-65).

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,013,587 to Truong.

Regarding claims 1-4, Truong teaches a sheet-like wiper of a nonwoven fabric formed by entangling fibers with each other by a high-pressure water jet stream, an amount of material dissolved therefrom into acetone is 340 mg/kg or less or 190 mg/kg or less, and the water absorption is 8 ml/g or more or 9 ml/g or more (see entire document including column 2 lines 8-46, column 3 lines 18-43, column 4 lines 10-36, column 5 lines 10-17, column 5 line 65 to column 6 line 13, column 7 lines 21-33, column 8 lines 3-25, Table 17).

Regarding claims 1-4, Truong does not appear to specifically teach that the amount of micro-matter of 100 μ m or more falling-off therefrom is 20,000 pieces/m² or less or 14,000 pieces/m² or less. Although the prior art does not disclose the claimed properties, the claimed properties are deemed to be inherent to the structure in the prior art since the Truong reference teaches an invention with a similar structural and chemical composition as the claimed invention (cupra ammonium fibers which are entangled with each other by a high-pressure water jet stream).

Regarding claims 3 and 4, the nonwoven fabric contains cellulose filament fiber of 40% by weight or more, and the cellulose filament fiber is cupra ammonium rayon (column 5 line 65 to column 6 line 13, column 8 lines 3-14).

Regarding claim 4, the content of the cellulose filament fiber is 85% by weight or more (column 5 line 65 to column 6 line 13, column 8 lines 3-14).

7. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2003/0100240 to Takai.

Regarding claims 1-4, Takai teaches a sheet-like wiper of a nonwoven fabric formed by entangling fibers with each other by a high-pressure water jet stream, an amount of material dissolved therefrom into acetone is 340 mg/kg or less or 190 mg/kg or less (see entire document including paragraphs 0002, 0011-0016, 0038, 0039, 0043, 0054-0056, 0060, 0065-0069, 0075).

Regarding claims 1-4, Takai does not appear to specifically teach that the amount of micro-matter of 100 μ m or more falling-off therefrom is 20,000 pieces/m² or less or 14,000 pieces/m² or less, and the water absorption is 8 ml/g or more or 9 ml/g or more. Although the prior art does not disclose the claimed properties, the claimed properties are deemed to be inherent to the structure in the prior art since the Takai reference teaches an invention with a similar structural and chemical composition as the claimed invention (cupra ammonium fibers which are entangled with each other by a high-pressure water jet stream).

Regarding claims 3 and 4, the nonwoven fabric contains cellulose filament fiber of 40% by weight or more, and the cellulose filament fiber is cupra ammonium rayon (paragraphs 0054-0056, 0060).

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Regarding claim 4, the content of the cellulose filament fiber is 85% by weight or more (paragraphs 0054-0056, 0060).

Conclusion

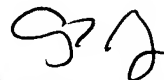
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Y. Choi whose telephone number is (571) 272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peter Y. Choi
May 8, 2007



ANDREW PIZIALI
PRIMARY EXAMINER